

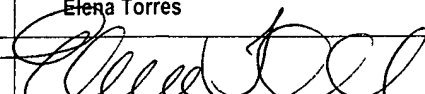
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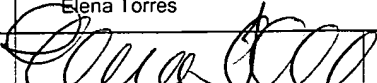
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<div>TYPE 1498 APR 05 2007 PATENT & TRADEMARK OFFICE</div> <h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p>		Application Number	10/619,754																																				
		Filing Date	July 14, 2003																																				
		First Named Inventor	Bossenmaier, B.																																				
		Group/Art Unit	1643																																				
		Examiner Name	Holleran, Anne L.																																				
Total Number of Pages in This Submission		Attorney Docket Number	39766-0114																																				
ENCLOSURES (check all that apply)																																							
<table border="0"><tr><td><input type="checkbox"/> Fee Transmittal Form</td><td><input type="checkbox"/> Recordation Cover Sheet with Executed Assignment</td><td><input type="checkbox"/> After Allowance Communication to Group</td></tr><tr><td><input type="checkbox"/> Fee Attached</td><td><input type="checkbox"/> Drawing(s)</td><td><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences</td></tr><tr><td><input type="checkbox"/> Amendment / Response</td><td><input type="checkbox"/> Licensing-related Papers</td><td><input type="checkbox"/></td></tr><tr><td><input type="checkbox"/> After Final</td><td><input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition</td><td><input type="checkbox"/> Proprietary Information</td></tr><tr><td><input type="checkbox"/> Version With Markings Showing Changes</td><td><input type="checkbox"/> Petition to Convert to a Provisional Application</td><td><input type="checkbox"/> Status Letter</td></tr><tr><td><input type="checkbox"/> Affidavits/declaration(s)</td><td><input type="checkbox"/> Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers</td><td><input type="checkbox"/> ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW):</td></tr><tr><td><input type="checkbox"/> Extension of Time Request</td><td><input type="checkbox"/> Terminal Disclaimer</td><td><input checked="" type="checkbox"/> COPY OF EP SEARCH REPORT AND RETURN POSTCARD</td></tr><tr><td><input checked="" type="checkbox"/> Information Disclosure Statement w/13 References</td><td><input type="checkbox"/> Small Entity Statement</td><td></td></tr><tr><td><input type="checkbox"/> Certified Copy of Priority Document(s)</td><td><input type="checkbox"/> Request for Refund</td><td></td></tr><tr><td><input type="checkbox"/> Response to Missing Parts/ Incomplete Application</td><td></td><td></td></tr><tr><td><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53</td><td>Remarks</td><td></td></tr><tr><td><input type="checkbox"/> Copy of Notice</td><td colspan="2">AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39766-0114</td></tr></table>				<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Recordation Cover Sheet with Executed Assignment	<input type="checkbox"/> After Allowance Communication to Group	<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences	<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/>	<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information	<input type="checkbox"/> Version With Markings Showing Changes	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter	<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers	<input type="checkbox"/> ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW):	<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> COPY OF EP SEARCH REPORT AND RETURN POSTCARD	<input checked="" type="checkbox"/> Information Disclosure Statement w/13 References	<input type="checkbox"/> Small Entity Statement		<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund		<input type="checkbox"/> Response to Missing Parts/ Incomplete Application			<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks		<input type="checkbox"/> Copy of Notice	AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39766-0114	
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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT																																							
Firm or Individual name	HELLER EHRMAN LLP GINGER R. DREGER (Reg. No. 33,055)																																						
	275 Middlefield Road, Menlo Park, California 94025 Telephone: (650) 324-7000 Facsimile: (650) 324-0638																																						
Signature																																							
Date	April 5, 2007	Customer Number:	25213																																				
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PATENT

Attorney Docket No.: 39766-0114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): Bossenmaier, B. et al.

Application No.: 10/619,754

Filed: July 14, 2003

Title: METHODS FOR IDENTIFYING TUMORS THAT
ARE RESPONSIVE TO TREATMENT WITH
ANTI-ERB2 ANTIBODIES

Art Unit: 1643

Examiner: Holleran, Anne L.

INFORMATION DISCLOSURE STATEMENT

UNDER 37 C.F.R. §1.97

Mail Stop: AMENDMENT
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P.O. Box 1450
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Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy is provided of each foreign patent, each cited pending unpublished U.S. application, and all additional publications other than U.S. patents and U.S. patent application publications. 37 C.F.R. §§1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609. The references were cited in a search report for the corresponding European patent application. A copy of the search report is enclosed.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

- ☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
- ☒ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; or
- ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No.: 39766-0114).

Respectfully submitted,

HELLER EHRMAN LLP

Dated: April 5, 2007

By: 

GINGER R. DREGER
Reg. No.: 33,055

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**INFORMATION DISCLOSURE
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PTO-1449

ATTY. DOCKET NO.

39766-0114

SERIAL NO.

10/619,754

APPLICANT: Bossenmaier, B. et al.

FILING DATE: 7/14/2003

GROUP: 1643

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	2002/0064805	5/30/2002	Akita et al.			
	5,811,098	9/22/1998	Plowman et al.			
	6,417,168	7/9/2002	Greene et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 01/00245 A2	04/01/2001	PCT			<input type="checkbox"/>	<input type="checkbox"/>
	WO 01/00245 A3	04/01/2001	PCT			<input type="checkbox"/>	<input type="checkbox"/>
	WO 01/09186 A2	08/02/2001	PCT			<input type="checkbox"/>	<input type="checkbox"/>
	WO 01/89566 A1	29/11/2001	PCT			<input type="checkbox"/>	<input type="checkbox"/>

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Brockhoff et al., "Epidermal Growth Factor Receptor, c-erbB2 and c-erbB3 Receptor Interaction, and Related Cell Cycle Kinetics of SK-BR-3 and BT474 Breast Carcinoma Cells" Cytometry 44:338-348 (2001).
	Chen et al., "Enhanced Drug Resistance in Cells Coexpressing ErbB2 with EGF Receptor or ErbB3" Biochemical and Biophysical Research Communications 277:757-763 (2000).
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	Lyne et al., "Tissue Expression of Neu Differentiation Factor/Heregulin and its Receptor Complex in Prostate cancer and its Biologic Effects on Prostate Cancer Cells in Vitro", Cancer Journal from Scientific American, vol. 3, no. 1 (1997).
	Olayioye et al., "The ErbB Signaling Network: Receptor Heterodimerization in Development and Cancer" The EMBO Journal, vol. 19, no. 13, pp. 3159-3167 (2000).
	Motoyama et al., "The Efficacy of ErbB receptor-Targeted Anticancer Therapeutics is Influenced by the Availability of Epidermal Growth Factor-Related Peptides" Cancer research 62:3151-3158 (2002).
	Neve et al., "Effects of Oncogenic ErbB2 on G1 cell Cycle Regulations in Breast Tumour Cells", Oncogene 19:1647-1656 (2000).
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EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.